

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MIGUEL SALDANA,

Plaintiff,

v.

No. CV 14-0259 KG/KBM

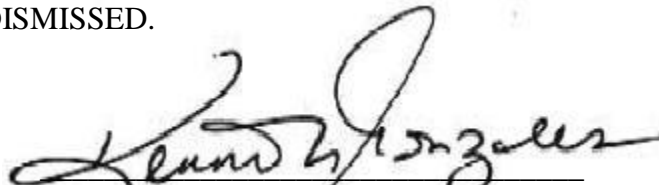
EDDY COUNTY COMMISSION  
SECURITY FORCE, et al.,

Defendants.

**ORDER GRANTING MOTION TO DISMISS**

This matter is before the Court on Plaintiff's Motion to Dismiss Title 42 USC § 1983 (Doc. 20), which the Court construes as seeking dismissal of Plaintiff's civil rights complaint. *Cf. Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003) (affirming construction of "pro se letter . . . requesting that the case be dismissed without prejudice" as notice under former rule 41(a)(1)(i)). No party has served "either an answer or a motion for summary judgment," Fed. R. Civ. P. 41(a)(1)(A)(i), and thus Plaintiff may dismiss his complaint without an order, *see* Fed. R. Civ. P. 41(a)(1)(A). *See Duke Energy Trading & Mktg., L.L.C. v. Davis*, 267 F.3d 1042, 1049 (9th Cir. 2001), *quoted in Janssen v. Harris*, 321 F.3d at 1000. Under rule 41(a)(1)(B), the dismissal of Plaintiff's complaint is without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Dismiss Title 42 USC § 1983 (Doc. 20) is GRANTED, Plaintiff's complaint is DISMISSED without prejudice, pending motions are DENIED as moot, and this action is DISMISSED.

  
UNITED STATES DISTRICT JUDGE